

INDIANA BOARD OF PHARMACY

Indiana Professional Licensing Agency

Conference Center Room W064
402 W. Washington St.
Indianapolis, IN 46204

MINUTES OF May 11, 2009

CALL TO ORDER & ESTABLISHMENT OF QUORUM

President and Presiding Officer Del Fanning called the meeting to order at 8:45 a.m. in Conference Center Room W064 of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204, and declared a quorum, in accordance with IC § 25-26-13-3.

Board Members Present:

Del T. Fanning, R.Ph., President
Lora Williams, Consumer Member, Vice President
Donna Wall, PharmD., R.Ph, Member
Sara St. Angelo, PharmD, R.Ph., Member
Steve Anderson, R.Ph., Member
Winnie Landis, R.Ph., Member

Board Members not in attendance:

Bill Cover, R.Ph., Member

State Officials Present:

Marty Allain, Board Director, Indiana Professional Licensing Agency
Amy Phillips, Assistant Director, Indiana Professional Licensing Agency
Gordon White, Advisory Counsel

A motion was made and seconded to adopt the agenda.

Wall/St. Angelo

Motion carried 6/0/0

A motion was made and seconded to adopt the April 2009 Minutes with corrections.

St. Angelo/Wall

Motion carried 6/0/0

Compliance Officers presented their reports.

A motion was made and seconded to approve the following probationary appearances:

MacLean, Thomas
Powell, Melanie
Rodeman, Linda
Brown, Shelley
Holling, Traci
Maze, Ronald
Potts, Deidra

Fanning/Wall

Motion carried 6/0/0

A motion was made and seconded to approve the following probationary appearances:

Voight, Stephanie
Peters, Nicholas
Petty, Monica
Querry, Kevin
Pat Fisher

Wall/St. Angelo

Motion carried 6/0/0

A motion was made and seconded to approve the following probationary appearances:

Kaczynski, Scott
Chew, Barbara
Flick, Julie
King, Tina
Curry, Christopher
Six, Jamie
Utz, John

Wall/St. Angelo

Motion carried 6/0/0

A motion was made and seconded to approve the following probationary appearances:

Davis, Tracy
Dodds, Gregory
Jaberg, Robert
Hine, Edward
Seebach, Lon

Fanning/St. Angelo

Motion carried 6/0/0

The following failed to appear: Elaine Mittelkamp, Kristina Stewart, Adam Wheeler, Teresa Moore, and Britney Palmer.

Compliance Officer presented information on MCheck/MyLicense Mobile inspection form and new procedure.

A motion was made and seconded to issue an Order to Show Cause against the license of Teresa Moore for her failure to appear.

St. Angelo/Wall

Motion carried 5/0/0

Oral arguments were held in the following matters. Respondent's counsel Stacy Cook argued on behalf of Respondents and Deputy Attorney General Morgan Wills argued on behalf of the State of Indiana:

In the Matter of the Indiana License of Walgreen Co.

License No. 60004447A

Administrative Cause No. 2007 IBP 0034

Re: Motion to Admit Evidence of Settlement Agreement and Enforce the Settlement Agreement, or in the Alternative, Motion to Set Hearing

In the Matter of the Indiana Pharmacist License of Todd David Chappell

License No. 26018565A

Administrative Cause No. 2007 IBP 0035

Re: Motion to Admit Evidence of Settlement Agreement and Enforce the Settlement Agreement, or in the Alternative, Motion to Set Hearing

In the Matter of the Indiana License of Walgreen Co.

License No. 60004462A

Administrative Cause No. 2007 IBP 0036

Re: Motion to Admit Evidence of Settlement Agreement and Enforce the Settlement Agreement, or in the Alternative, Motion to Set Hearing

In the Matter of the Indiana Pharmacist License of Frank Cockman

License No. 26018073A

Administrative Cause No. 2007 IBP 0037

Re: Motion to Admit Evidence of Settlement Agreement and Enforce the Settlement Agreement, or in the Alternative, Motion to Set Hearing

In the Matter of the Indiana License of Walgreen Co.

License No. 60004413A

Administrative Cause No. 2007 IBP 0038

Re: Motion to Admit Evidence of Settlement Agreement and Enforce the Settlement Agreement, or in the Alternative, Motion to Set Hearing

In the Matter of the Indiana Pharmacist License of John Steven Miller III

License No. 26021187A

Administrative Cause No. 2007 IBP 0039

Re: Motion to Admit Evidence of Settlement Agreement and Enforce the Settlement Agreement, or in the Alternative, Motion to Set Hearing

In the Matter of the Indiana License of Walgreen Co.

License No. 60004410A

Administrative Cause No. 2007 IBP 0046

Re: Motion to Admit Evidence of Settlement Agreement and Enforce the Settlement Agreement, or in the Alternative, Motion to Set Hearing

In the Matter of the Indiana Pharmacist License of Troy Michael Martin

License No. 26017299A

Administrative Cause No. 2007 IBP 0047

Re: Motion to Admit Evidence of Settlement Agreement and Enforce the Settlement Agreement, or in the Alternative, Motion to Set Hearing

In the Matter of the Indiana License of Walgreen Co.

License No. 60004385A

Administrative Cause No. 2007 IBP 0052

Re: Motion to Admit Evidence of Settlement Agreement and Enforce the Settlement Agreement, or in the Alternative, Motion to Set Hearing

In the Matter of the Indiana Pharmacist License of Steven Weileman

License No. 26016427A

Administrative Cause No. 2007 IBP 0053

Re: Motion to Admit Evidence of Settlement Agreement and Enforce the Settlement Agreement, or in the Alternative, Motion to Set Hearing

In the Matter of the Indiana License of Walgreen Co.

License No. 60004083A

Administrative Cause No. 2007 IBP 0058

Re: Motion to Admit Evidence of Settlement Agreement and Enforce the Settlement Agreement, or in the Alternative, Motion to Set Hearing

In the Matter of the Indiana Pharmacist License of Curtis A. Stratman

License No. 26015247A
Administrative Cause No. 2007 IBP 0059
Re: Motion to Admit Evidence of Settlement Agreement and Enforce the Settlement Agreement, or in the Alternative, Motion to Set Hearing

A motion was made and seconded to deny the Motion to Admit Evidence of Settlement Agreement and Enforce the Settlement Agreement and to grant the Motion to Set Hearing with the matters to be set in July.

St. Angelo/Williams

Motion carried 5/0/1 (Wall recused)

Steve Anderson met with personal appearances.

A motion was made and seconded to approve the following applications and request a personal appearance for Jacqueline Ramirez:

Matthew Resler—Pharmacy Technician Application
Theresa Dahlgren—Pharmacy Technician Application
Jessica Rose—Pharmacy Technician Application

Wall/St. Angelo

Motion carried 5/0/0

In the Matter of the Registration Application of PetMed Express, Inc

License No. 64000752A
Administrative Cause No. 2006 IBP 0039
Re: Petition to Withdraw Probation

Parties and Counsel Present:

Mike McMains, Respondent's counsel
Mark Mader, DAG

Participating Board Members:

Fanning
St. Angelo
Williams
Landis
Wall

Witnesses for the Applicant:

None

Witnesses for the State:

None

Case Summary:

Respondent petitioned the board to withdraw probationary terms of the license.

Board Action:

A motion was made and seconded to withdraw the probation against their nonresident pharmacy license.

Landis/St. Angelo

Motion carried 5/0/0

In the Matter of the Indiana Pharmacist License of Emily Lanting

License No. 26020529A
Administrative Cause No. 2003 IBP 0006

Parties and Counsel Present:

Mike McMains, Respondent's counsel
Mark Mader, DAG
Emily Lanting, Respondent

Participating Board Members:

Fanning
St. Angelo
Williams
Landis
Wall

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

The Parties presented a settlement agreement.

Board Action:

A motion was made and seconded to accept the settlement agreement placing the Respondent's license on probation pending the passing of the MPJE.

Williams/St. Angelo

Motion carried 5/0/0

In the Matter of the Indiana Pharmacist License of Thomas Goodge

License No. 26016041A
Administrative Cause No. 1995 IBP 0002
Re: Petition for Reinstatement

Parties and Counsel Present:

Mark Mader, DAG
Mike McMains, Respondent's counsel
Thomas Goodge, Respondent

Participating Board Members:

Fanning
St. Angelo
Williams
Landis
Wall

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

Respondent petitioned the board to reinstate his license. Parties presented a settlement agreement.

Board Action:

The parties presented a proposed settlement agreement. A motion was made and seconded to deny the settlement agreement.

Landis/Wall

Motion denied 3/2/0 (Wall & Landis)

The hearing was continued indefinitely.

Steven Anderson returned to the meeting.

In the Matter of the Indiana Pharmacist License of Christy Wade

License No. 26018048A

Administrative Cause No. 2009 IBP 0014

Re: Petition for Summary Suspension

Parties and Counsel Present:

Mark Mader, DAG

Mike McMains, Respondent's counsel

Participating Board Members:

Fanning

St. Angelo

Williams

Landis

Wall

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

The State of Indiana filed a petition for summary suspension. The parties submitted a settlement agreement.

Board Action:

A motion was made and seconded to approve the settlement agreement placing the Respondent's license on indefinite emergency suspension.

Wall/St. Angelo

Motion carried 6/0/0

In the Matter of the Indiana Pharmacy Technician Certification of Veronica Brannon

Certification No. 67002411A

Administrative Cause No. 2009 IBP 0009

Re: Final Hearing

Parties and Counsel Present:

Christa Jewsbury, DAG

Veronica Brannon, Respondent

Participating Board Members:

Fanning

St. Angelo

Williams

Landis

Wall

Anderson

Witnesses for the Respondent:

Veronica Brannon

Witnesses for the State:

None

Case Summary:

A Complaint was filed adverse the Respondent's license.

Board Action:

A motion was made and seconded to issue a letter of reprimand and a fine of \$250.00.

Anderson/St. Angelo

Motion carried 5/1/0 (Williams against)

In the Matter of the Indiana Pharmacist License of Ann Manship

License No. 26013353A

Administrative Cause No. 2009 IBP 0011

Re: Final Hearing

Parties and Counsel Present:

Christa Jewsbury, DAG

Ann Manship. Respondent

Participating Board Members:

Fanning

St. Angelo

Williams

Landis

Anderson

Wall

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

A Complaint was filed against the Respondent's license. The parties presented a settlement agreement.

Board Action:

A motion was made and seconded to approve the proposed settlement agreement and issue a letter of reprimand and a \$250.00 fine.

Williams/St. Angelo

Motion carried 6/0/0

In the Matter of the Indiana Pharmacist License of Edward Sauer, Jr.

License No. 26010687A

Administrative Cause No. 2009 IBP 0028

Re: Petition for Summary Suspension

Parties and Counsel Present:

Mark Mader, DAG

Participating Board Members:

Fanning

St. Angelo

Williams

Landis

Anderson
Wall

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

A petition for summary suspension was filed adverse the Respondent's license.

Board Action:

A motion was made and seconded to summarily suspend the Respondent's license for ninety (90) days.

St. Angelo/Williams

Motion carried 6/0/0

Winnie Landis met with personal appearances.

Donna Wall attended a settlement conference.

In the Matter of the Indiana Pharmacist License of Robert Wagner

License No. 26014859A

Administrative Cause No. 2009 IBP 0012

Re: Final Hearing

Parties and Counsel Present:

Christa Jewsbury, DAG

Participating Board Members:

Fanning

St. Angelo

Williams

Anderson

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

Parties presented settlement agreement.

Board Action:

A motion was made and seconded to accept the settlement agreement which included a letter of reprimand and \$250.00 fine.

William/St. Angelo

Motion carried 4/0/0

In the Matter of the Indiana Pharmacist License of Thomas Daniels

License No. 26002089A

Administrative Cause No. 2009 IBP 0010

Re: Final Hearing

Parties and Counsel Present:

Christa Jewsbury, DAG

Participating Board Members:

Fanning
St. Angelo
Williams
Anderson

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

Parties presented a settlement agreement.

Board Action:

A motion was made and seconded to approve the settlement agreement which included a letter of reprimand and an aggregate fine of \$1,000.00.

Landis/St. Angelo

Motion carried 4/0/0

In the Matter of the Indiana Pharmacist License of Dennis Weldy

License No. 26012719A
Administrative Cause No. 2001 IBP 0004
Re: Petition for Reinstatement

Parties and Counsel Present:

Mark Mader, DAG
Dennis Weldy, Respondent
David McNamara, Respondent's counsel

Participating Board Members:

Fanning
St. Angelo
Williams
Anderson

Witnesses for the Respondent:

Dennis Weldy

Witnesses for the State:

None

Case Summary:

The Respondent petitioned the board to reinstate his suspended license.

Board Action:

A motion was made and seconded to issue a probationary license with additional terms.

Anderson/St. Angelo

Motion carried 4/0/0

Donna Wall returned to the meeting.

In the Matter of the Indiana Pharmacist License of Mark Lawson

License No. 26014783A

Administrative Cause No. 2008 IBP 0012

Re: Petition for Reinstatement

Parties and Counsel Present:

Heather Kennedy, DAG

Mark Lawson, Respondent

Michelle Baldwin, Respondent's counsel

Participating Board Members:

Fanning

St. Angelo

Williams

Anderson

Wall

Witnesses for the Respondent:

Mark Lawson

Witnesses for the State:

None

Case Summary:

The Respondent petitioned the board to reinstate his suspended license. Parties presented settlement agreement.

Board Action:

A motion was made and seconded to approve the settlement agreement placing the Respondent's license on probation.

Williams/St. Angelo

Motion carried 5/0/0

Winnie Landis returned to the meeting.

In the Matter of the Indiana Pharmacist License of Julie Drapalik

License No. 26017235A

Administrative Cause No. 2008 IBP 0047

Re: Final Hearing

Parties and Counsel Present:

Mark Mader, DAG

Julie Drapalik, Respondent

Participating Board Members:

Fanning

St. Angelo

Williams

Anderson

Wall

Landis

Witnesses for the Respondent:

Julie Drapalik

Witnesses for the State:

None

Case Summary:

The State filed a Complaint adverse the Respondent's license. Parties presented settlement agreement.

Board Action:

A motion was made and seconded to approve the settlement agreement which includes a letter of reprimand and \$250.00 fine.

Wall/St. Angelo

Motion carried 6/0/0

In the Matter of the Indiana Pharmacy Technician Certification of Melissa Nelson

Certification No. 67005992A

Administrative Cause No. 2008 IBP 0007

Re: Final Hearing

Parties and Counsel Present:

Christa Jewsbury, DAG

Participating Board Members:

Fanning

St. Angelo

Williams

Anderson

Wall

Landis

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

The State filed a Complaint adverse the Respondent's license. Parties presented settlement agreement.

Board Action:

A motion was made and seconded to approve the settlement agreement and place the Respondent on indefinite suspension.

Landis/Williams

Motion carried 5/1/0 (Anderson)

A motion was made and seconded to approve the pharmacy technician training program Sister of St. Francis Health Services-St. Margaret Mercy.

Landis/Wall

Motion carried 6/0/0

A motion was made and seconded to approve the license transfer application for Ashieda Wadie.

Landis/Wall

Motion carried 6/0/0

A motion was made and seconded to table the license transfer application for James Miloshoff.

Landis/Wall

Motion carried 6/0/0

In the Matter of the Indiana Pharmacy Technician Certification of Jana Ratliff

Certification No. 67003759A

Administrative Cause No. 2008 IBP 0053

Re: Final Hearing

Parties and Counsel Present:

Mark Mader, DAG

Jana Ratliff, Respondent

Participating Board Members:

Fanning

St. Angelo

Williams

Anderson

Wall

Landis

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

The State filed a Complaint adverse the Respondent's license.

Board Action:

A motion was made and seconded to issue a probationary license including \$250.00 fine and a directive for an addictionology report.

Landis/Anderson

Motion carried 6/0/0

Winnie Landis no longer in an attendance.

In the Matter of the Indiana Pharmacy Technician Certification of Jennifer Rangel

Certification No. 67006023A

Administrative Cause No. 2008 IBP 0064

Re: Order to Show Cause

Parties and Counsel Present:

Mark Mader, DAG

Participating Board Members:

Fanning

St. Angelo

Williams

Anderson

Wall

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

Board issued Order to Show Cause.

Board Action:

A motion was made and seconded to issue a Notice of Proposed Default.

Wall/Anderson

Motion carried 5/0/0

A motion was made and seconded to summarily suspend her license for ninety (90) days.

Wall/Anderson

Motion carried 5/0/0

In the Matter of the Indiana Pharmacy Technician Certification of Julia Patterson

Certification No. 67013228A

Administrative Cause No. 2009 IBP 0018

Re: Petition for Summary Suspension

Parties and Counsel Present:

Mark Mader, DAG

Participating Board Members:

Fanning

St. Angelo

Williams

Anderson

Wall

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

The State filed a petition for summary suspension.

Board Action:

A motion was made and seconded to summarily suspend her license for ninety (90) days.

Wall/St. Angelo

Motion carried 5/0/0

In the Matter of the Indiana Pharmacy Technician Certification of Megan McCartney

Certification No. 67013911A

Administrative Cause No. 2009 IBP 0015

Re: Petition for Summary Suspension

Parties and Counsel Present:

Mark Mader, DAG

Participating Board Members:

Fanning

St. Angelo

Williams

Anderson

Wall

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

The State filed a petition for summary suspension.

Board Action:

A motion was made and seconded to summarily suspend her license for ninety (90) days.

Wall/St. Angelo

Motion carried 5/0/0

In the Matter of the Indiana Pharmacy Technician in Training Permit of Katelyn Beal

Permit No. 99034321A

Administrative Cause No. 2009 IBP 0017

Re: Petition for Summary Suspension

Parties and Counsel Present:

Mark Mader, DAG

Participating Board Members:

Fanning

St. Angelo

Williams

Anderson

Wall

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

The State filed a petition for summary suspension.

Board Action:

A motion was made and seconded to summarily suspend her license for ninety (90) days.

St. Angelo/Wall

Motion carried 5/0/0

A motion was made and seconded to permit the submission of a third application for the following printers:

Schwindel Graphics
Printers Express, Inc.

Anderson/St. Angelo

Motion carried 5/0/0

A motion was made and seconded to approve the Rx security paper printer applications for the following printers:

Schwindel Graphics

Printers Express, Inc.

Anderson/St. Angelo

Motion carried 5/0/0

A motion was made and seconded to approve the following pharmacist applications:

Gary Daws
Steven Sheldon

Wall/St. Angelo

Motion carried 5/0/0

A motion was made and seconded to approve the pharmacy technician application for Richard Fidler.

St. Angelo/Wall

Motion carried 5/0/0

A motion was made and seconded to approve the non-resident pharmacy application for HPC, LLC.

St. Angelo/Wall

Motion carried 5/0/0

A motion was made and seconded to approve the HME application for A & L Gebert Enterprises.

Anderson/St. Angelo

Motion carried 5/0/0

Board Director's Report
USP 797 Discussion
2009 Indiana Unwanted Medicines Collection & Disposal Workshop
Pharmacist Intern Renewals

A motion was made and seconded to approve the following continuing education hours:

Allyson Gaylor	(0.5)
Jamie Lyberg	(0.5)
Viktorija Trakis	(0.5)
Karen Siefert	(1)

Anderson/Fanning

Motion carried 5/0/0

A motion was made and seconded to approve St. Joseph County Pharmacy Assoc (1) hour with the approval letter to include a statement that the board will no longer approve CE with a "commercial interest" as of July 1, 2009. This falls in line with updated ACPE guidelines for acceptance of continuing education.

Anderson/Fanning

Motion carried 5/0/0

The board scheduled the Walgreens hearings (i.e. the matters listed under "Oral Arguments" herein) for July 27, 2009 & July 28, 2009.

The meeting adjourned at 5:10 p.m.

Del Fanning, R.Ph., President
Indiana Board of Pharmacy

Date

Next Scheduled Meeting:

Monday, June 8, 2009
Indiana Government Center South
Room W064